

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

An evidentiary hearing on supervised release revocation in this case was scheduled before me on July 18, 2012. The United States was represented by AUSA Robert Westinghouse and the defendant by Paula Semmes Deutsch. The proceedings were digitally recorded.

Defendant had been sentenced on or about April 2, 1999 by the Honorable John C. Coughenour on a charge of Bank Robbery, and sentenced to 151 months custody, five years supervised release.

21 The conditions of supervised release included the standard conditions plus the
22 requirements that defendant submit to search and incur no new credit obligations without

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

01 approval. (Dkt. 19 , 23.)¹

02 On September 15, 2010, defendant's probation officer reported that he tested positive
03 for heroin and cocaine. No action was taken at the time, although defendant was advised that
04 the allegations could be pursued in the future if other violations occurred. (Dkt. 28.) On January
05 10, 2012, defendant's probation officer reported that he tested positive for cocaine and violated
06 an anti-harassment order by contacting his soon. No action was taken at the time although
07 defendant was advised that the allegations could be pursued in the future if other violations
08 occurred. (Dkt. 29.)

09 In an application dated June 15, 2012 (Dkt. 30, 31), U.S. Probation Officer Michael S.
10 Larsen alleged the following violations of the conditions of supervised release:

11 1. Using heroin, on or about December 17, 2009, in violation of standard condition
12 number 7.

13 2. Using cocaine, on or before July 23, 2010, August 13, 2010, and August 24,
14 2010, in violation of standard condition number 7.

15 3. Using cocaine, on or about December 9, 2011, in violation of standard condition
16 number 7.

17 4. Violating a civil anti-harassment order, on or about October 3, 2011, November
18 24, 2011, and December 1, 2011, in violation of the general condition ordering him not to
19 violate any federal, state, or local law.

20 5. Failing to report to the probation office as directed, on May 29, 2012, in

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22 1 The Judgment was not available in electronic format on CM/ECF, so the conditions of supervised
release were taken from the report of the probation officer. (Dkt. 30.)

01 violation of standard condition number 2.

02 Defendant was advised in full as to those charges and as to his constitutional rights.

03 Defendant admitted the violations and waived any evidentiary hearing as to whether
04 they occurred. (Dkt. 35.)

05 I therefore recommend the Court find defendant violated his supervised release as
06 alleged in violations 1-5, and that the Court conduct a hearing limited to the issue of disposition.

07 The next hearing will be set before Judge Coughenour.

08 Pending a final determination by the Court, defendant has been detained.

09 DATED this 18th day of July, 2012.



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11 Mary Alice Theiler
12 United States Magistrate Judge
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15 cc: District Judge: Honorable John C. Coughenour
16 AUSA: Robert Westinghouse
17 Defendant's attorney: Paula Semmes Deutsch
18 Probation officer: Michael S. Larsen
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SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE